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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BOBBY L. ROYSTER,

CV. 06-794-PK

Plaintiff,

OPINION AND ORDER

v.

SHARON BLACKELTER, JANE DOES # 1-3,
GUY HALL, and WHELAN,

Defendants.

PAPAK, Magistrate Judge:

Plaintiff Bobby L. Royster, an incarcerated person appearing *pro se*, brings this action pursuant to 42 U.S.C. § 1983 alleging that defendants violated his rights under the Eighth and Fourteenth Amendments. Now before the court is Royster's motion for summary judgment (#53).

On March 25, 2008, this court issued a Findings and Recommendation (#50) recommending that defendants' unenumerated Rule 12 motion to dismiss (#29) be granted, and

each of Royster's claims dismissed without prejudice. That Findings and Recommendation is currently scheduled to be referred to a United States District Judge for review on May 7, 2008. In the event this court's recommendation is adopted by the District Judge, Royster's claims will be dismissed, and his motion for summary judgment will necessarily become moot. All proceedings in connection with Royster's motion for summary judgment (#53) are therefore stayed pending review of this court's Findings and Recommendation by a United States District Judge.

SO ORDERED.

Dated this 16th day of April, 2008.



Paul Papak
Honorable Paul Papak
United States Magistrate Judge